## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

ROGER WAYNE BATTLE	)	
v. UNITED STATES OF AMERICA	)	No. 3:14-01805 JUDGE CAMPBELL

<u>ORDER</u>

Pending before the Court is a Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct Sentence (Docket Nos. 1, 33), filed by the Movant/Petitioner, <u>pro se</u>. The Government has filed a Response (Docket No. 39).

For the reasons set forth in the accompanying Memorandum, Petitioner's Motion To Vacate (Docket Nos. 1, 33) is DENIED, and this action is DISMISSED.

Also pending before the Court is Petitioner's Motion To Check Status (Docket No. 45).

Because the issues raised in the Motion are addressed in the accompanying Memorandum, the Motion is DENIED as moot.

This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

Should the Petitioner give timely notice of an appeal from this Memorandum and Order, such notice shall be treated as a application for a certificate of appealability, 28 U.S.C. 2253(c), which will not issue because the Petitioner has failed to make a substantial showing of the denial of a constitutional right. Castro v. United States, 310 F.3d 900 (6th Cir. 2002).

It is so ORDERED.

TODD J. CAMPBELL

UNITED STATES DISTRICT JUDGE